

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NATALIE REESER,

Plaintiff,

v.

Case No.: 2:14-cv-11916-GCS-MJH

Hon. George Caram Steeh
Magistrate Judge Michael Hluchaniuk

HENRY FORD HOSPITAL,

Defendant.

MILLER COHEN, P.L.C.

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Ada A. Verloren (P57541)

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JOINT STATEMENT OF RESOLVED AND UNRESOLVED ISSUES

The movant certifies that she has conferred in good faith with the other party after the filing of the motion in an effort to narrow the areas of disagreement.

The parties agree to a two-month extension for discovery and the due dates for dispositive motions. Currently discovery is due by 2/9/2015. The Dispositive Motion Cut-off is set for 3/9/2015. With a two-month extension the due dates will be as follows: Discovery due by 4/6/2015. Dispositive Motion Cut-off set for

5/11/2015. Defendant will supplement in two weeks from the date of this Joint Statement.

RESOLVED ISSUES:

INTERROGATORY NO. 3: As to Plaintiff, please identify:

- a. All persons who made, or participated in, the decision to terminate Plaintiff;
- b. The nature of the input;
- c. The dates on which any discussions regarding the decision took place;
- d. Witnesses/participants to each discussion.

Defendant will supplement its answer.

INTERROGATORY NO. 4: Identify all lawsuits against Henry Ford Hospital or any of its subsidiaries or affiliates within the past five (5) years alleging violations of the *Whistleblower Protection Act*, the *Fair Labor Standards Act*, and retaliation.

Defendant is willing to provide an answer to this interrogatory with respect to lawsuits alleging violations of the Whistleblowers Protection Act or Fair Labor Standards Act filed by employees in Plaintiff's former department during the last 5 years.

INTERROGATORY NO. 5: State whether Defendant or any of its subsidiaries or affiliates in Henry Ford Health System received any employee complaints about lunch breaks or non-payment for time worked during the past five (5) years.

- a. Produce a copy of such complaints.

Plaintiff will limit her interrogatory to non-payment for time worked during lunch breaks during the past five (5) years in Plaintiff's department.

Defendant will supplement its answer.

INTERROGATORY NO. 6: Identify all employees terminated within the past five (5) years, and as to each employee identify:

- a. Name;
- b. Job title;
- c. Dates of employment; and
- d. Reason for termination.

Plaintiff will limit this interrogatory to employees terminated for job abandonment, leaving for lunch, in violation of Defendant's policies in Plaintiff's department.

Defendant will supplement its answer.

INTERROGATORY NO. 7: State whether Laboratory Sales Manager Fiona Bork was informed of Plaintiff's intention to file paperwork with the State of Michigan regarding unpaid lunch hours, and if so:

- a. By whom;
- b. When;
- c. The participants in every discussion; and
- d. Produce all e-mails, notes, documents, or reports by Ms. Bork or between Ms. Bork and any other employee regarding Plaintiff's employment.

As to sub-part (d), Plaintiff will limit her interrogatory as follows: produce all emails, notes, documents, and reports by Ms. Bork or between Ms. Bork and any other employee regarding Plaintiff's concerns identified in the Complaint, reports, filings with the state, discipline, or termination. Defendant will supplement its answer accordingly.

INTERROGATORY NO. 8: State the nature of the relationship between Henry Ford Hospital, Henry Ford Medical Laboratories and Henry Ford Health System.

- a. Identify all persons with knowledge to testify as to this response.

Defendant will supplement its answer as to the relationship between Henry Ford Hospital and Henry Ford Health System.

INTERROGATORY NO. 9: Identify any and all phone numbers and the phone company, including work, home and cell, from which Fiona Bork made or received any telephone calls during the period January 1, 2014 to February 28, 2014.

a. For each number listed, please identify the person to whom the call or text was made or from whom the call or text was received.

b. If any of the individuals identified above are or were ever Henry Ford employees, identify those individuals.

Plaintiff will limit sub-part (a) and (b) of this interrogatory to all calls and texts Fiona Bork made or received during the period of January 1, 2014 to February 28, 2014 from or to telephones and cellphones used by Ms. Reeser for personal or business purposes. Defendant agrees to supplement to the extent Ms Bork has this information.

INTERROGATORY NO. 10: In Defendant's Answer to Plaintiff's Complaint, Defendant denies as untrue allegations in Plaintiff's Complaint. For each allegation that Defendant denies as untrue:

a. Identify all assertions in each paragraph that are untrue;

b. Identify all persons with knowledge of the truth or falsity of the assertions;

- c. Identify what is untrue, in the Defendant's estimation, about any or all of the assertions; and
- d. Identify the source of knowledge regarding this truth or falsity.

Defendant has not agreed to supplement its answer to this interrogatory. Without withdrawing this interrogatory, Plaintiff will agree to withdraw the Motion to Compel without prejudice if the remainder of the issues described in that motion are satisfactorily resolved pursuant to stipulated order with the terms described in this Joint Statement.

INTERROGATORY NO. 11: Notwithstanding your witness list, please identify the name, address and telephone number of all persons you may call as either an expert or a non-expert witness at trial. For each person listed, please state:

- a) The subject matter about which the person is expected to testify, including information that the expert is expected to provide;
- b) The substance of the facts and opinions to which the person is expected to testify or that the person will provide;
- c) For each expert witness, a summary of the grounds for each opinion;
- d) Whether the expert has made any written report or statement regarding the substance of his/her opinion and/or proposed testimony. If so, please identify said report or statement.

The parties agree that Defendant will supplement this interrogatory no later than one month prior to the close of discovery.

REQUEST NO. 34: Produce any subpoenas served by or on behalf of Defendant in this case to any person, firm, or corporation, and any responses to each subpoena.

Defendant will make available for Plaintiff to inspect and copy, the subpoenas and responses; Plaintiff will pay copying costs at 10 cents per page.

REQUEST NO. 35: Produce all documents related to all lawsuits against Henry Ford Hospital or any of its subsidiaries or affiliates within the past five (5) years alleging violations of the *Whistleblower Protection Act*, the *Fair Labor Standards Act*, and retaliation.

Plaintiff agrees to withdraw this request.

REQUEST NO. 36: Produce all telephone records for the phone numbers identified in response to Interrogatory No. 9.

Plaintiff will limit this request to documents regarding all calls and texts Fiona Bork made or received during the period of January 1, 2014 to February 28, 2014 to or from telephones and cellphones used by Ms. Reeser for personal or business

purposes. Defendant will supplement with records to the extent Ms. Bork has such records.

REQUEST NO. 37: Produce all email and text messages exchanged to or from Fiona Bork during the 60 days prior to Plaintiff's discharge and the 60 days after her discharge from Henry Ford Hospital, with respect to Plaintiff or the issues in this litigation.

Defendant will supplement its answer by producing emails and texts between Plaintiff and Ms. Bork to the extent Ms. Bork has such emails or texts.

Respectfully submitted,

AGREED AS TO SUBSTANCE AND FORM:

MILLER COHEN, P.L.C.:

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Dated: December 10, 2014

VARNUM LLP:

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CERTIFICATE OF SERVICE

I hereby certify that on *December 10, 2014*, I electronically filed the foregoing document(s) with the Court using the ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,

MILLER COHEN, P.L.C.

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